



Republic of the Philippines

**OFFICE OF THE OMBUDSMAN**

Ombudsman Building, Agham Road, National Government Center,  
North Triangle, Diliman, Quezon City 1128, Philippines

**ADMINISTRATIVE ORDER NO. 21**

Series of 2009

**REVISED RULES OF  
THE INTERNAL AFFAIRS BOARD**

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Pursuant to the powers vested in the Office of the Ombudsman under Sections 11 and 18 of Republic Act No. 6770, otherwise known as the "Ombudsman Act of 1989," and in order to simplify and clarify the existing Internal Affairs Board as contained in Administrative Order No. 16, series of 2003, the Office of the Ombudsman deems it best to revise/amend the existing rules. Accordingly, the Office hereby revises/amends the following rules and guidelines:

**I. COMPOSITION OF THE INTERNAL AFFAIRS BOARD AND STAFFS**

The Internal Affairs Board (IAB) shall be composed of six (6) members with the only qualification that they shall at least be an Assistant Ombudsman. They shall be designated by the Ombudsman for a term of two years.

The Chairman and the Vice Chairman of the IAB shall be designated by the Ombudsman from among the members of the IAB for a term of two years.

The IAB Program Staff, IAB Investigating Staff and IAB Administrative Office shall, likewise, be designated by the Ombudsman for a term of two years.

All of the above may be redesignated at the discretion of the Ombudsman.

## **II. PROCEDURES IN HANDLING COMPLAINTS**

**Assignment of Complaints for Evaluation.** Upon receipt of the complaint, **the IAB Chairman**, with the assistance of the IAB Administrative Officer, **shall assign the case by raffle** to a member of the IAB-IS, for the conduct of an initial evaluation.

**Conduct of Evaluation.** Upon receipt of the complaint, the investigator shall evaluate the complaint and submit to the IAB Chairman, within five (5) days from receipt thereof, an evaluation report, **without indicating his/their name(s)**, which shall contain, among others, the following:

### **Action on the Evaluation Report**

Item No.3 should read, as follows:

The IAB Chairman shall approve/disapprove the recommendation to conduct an intelligence operation, fact-finding investigation, preliminary investigation and/or administrative adjudication, regardless of the rank of the respondent or highest ranking respondent.

Item No.4 should read, as follows:

The preventive suspension order, when proper, shall be approved by the IAB Chairman regardless of the rank of the respondent or highest ranking respondent. The preventive suspension order shall be immediately executory even

pending appeal. Only a Temporary Restraining Order (TRO) or a Writ of Preliminary Injunction, duly issued by a court of competent jurisdiction, stays the immediate implementation of the said order.

Item No. 5 should read, as follows:

Where the evaluation report recommends any action other than the conduct of preliminary investigation and/or administrative adjudication or fact-finding investigation/intelligence operation, only the approval of the IAB Chairman is required regardless of the rank of the respondent or highest ranking respondent.

#### **Conduct of Fact-Finding Investigation or Intelligence Operation**

Item No. 1 should read, as follows:

Where the conduct of a fact-finding investigation or intelligence operation is found to be proper on the basis of a complaint, the IAB Chairman, with the assistance of the IAB Administrative Officer, shall assign the case by raffle to an IAB-IS investigator or to a panel of IAB-IS investigators.

#### **Action on the Intelligence or Fact-Finding Investigation Report**

Item No. 1 should read, as follows:

Where the Intelligence or Fact-Finding Report recommends the conduct of a preliminary investigation and/or administrative adjudication against an official or employee of the Office of the Ombudsman, the IAB Chairman shall approve the same and direct the investigator or panel of

IAB-IS investigators to prepare the necessary complaint. The case shall be immediately docketed and assigned by raffle, with the assistance of the IAB Administrative Officer, to another IAB investigator or panel.

Item No. 2 should read, as follows:

The IAB Chairman shall approve/disapprove the recommendation to conduct preliminary investigation and/or administrative adjudication, regardless of the rank of the respondent or highest ranking respondent.

#### **Assignment of Cases by Raffle**

The entire IV.J should read, as follows:

1. The IAB Chairman, with the assistance of the IAB Administrative Officer, shall assign the case by raffle to an IAB-IS investigator or investigating team.
2. Where the respondent or the highest ranking respondent is the Chairman, Vice Chairman or member of the Board, the Chairman, Vice Chairman or respondent member shall automatically be disqualified from participating in the proceeding except as respondent.

#### **Approval of Resolutions and Decisions**

The entire IV.L should read, as follows:

- A. The presence of a simple majority of the qualified IAB members shall constitute a quorum.
- B. The vote of a simple majority of all the qualified members of the IAB shall be required to pass a resolution or decision of the IAB *En Banc*; *Provided*,

*however*, that in case of a tie for two (2) scheduled sessions of the IAB at which the matter is supposed to be taken up, the matter shall be deemed automatically submitted to the Ombudsman.

C. Resolutions and decisions on cases shall be **resolved** by the IAB *En Banc*, regardless of the rank of the respondent or highest ranking respondent.

D. **The name of the investigator or investigating team shall not be indicated in the Resolution or Decision which shall bear the names only of the IAB members and the Ombudsman as approving authority.**

E. Resolutions and decisions on cases regardless of the rank of the respondent or highest ranking respondent shall be submitted by the IAB to the Ombudsman for **approval**.

### **Disqualifications**

The entire IV.N should read, as follows:

The Chairman, Vice Chairman or any member of the IAB, as well as any member of the IAB Investigating Staff, shall be automatically disqualified from acting on a complaint or participating in a proceeding under the following circumstances:

1. He is a party to the complaint, either as a respondent or complainant;
2. He is pecuniarily interested in the case or is related to any of the parties within the sixth degree of affinity or consanguinity, or to counsel within the

fourth degree, computed according to the provisions of civil law; or

3. He has, at one time or another, acted upon the matter subject of the complaint or proceeding.

Where the Chairman of the IAB is disqualified or has voluntarily inhibited himself from participating in a case, the Vice-Chairman of the IAB shall act in his stead. Where the Vice Chairman of the IAB is also disqualified or has inhibited himself from participating in a case, the Ombudsman shall appoint an Acting Chairman from among the qualified members of the IAB.

**Where a number of the members of IAB are disqualified for any of the above reasons, the Ombudsman shall designate such number of members in an acting capacity as will be necessary to constitute a quorum.**

### **III. GENERAL PROVISION**

**A. Separability Clause.** If any provision of this Order is held unconstitutional or invalid, other provisions not affected thereby shall remain valid and binding.

**B. Amendment/Revision of Existing Issuances.** All issuances or provisions of any issuance of the Office of the Ombudsman which may be inconsistent with any of the provisions of this Order are hereby repealed or modified accordingly.

**C. Acting on Cases Pending upon the Effectivity of this Order.** All cases or complaints filed against or

involving any official or employee of the Office of the Ombudsman **whose case is pending or undetermined at the time of the effectivity of this Order**, shall comply with the rules and procedures stated herein.

**D. Applicability of the Rules of Court.** The provisions of the Rules of Court shall apply in a suppletory character, insofar as they are not inconsistent herewith and whenever practicable and convenient.

**E. Effectivity.** This Order shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in three (3) newspapers of general circulation in the Philippines, one of which is printed in the national language, and upon the filing with the University of the Philippines Law Center of three (3) certified copies thereof.

*Ma. Mercedes R. Navarro-Gutierrez*

JUL 28 2009

**MA. MERCEDITAS NAVARRO-GUTIERREZ**

Ombudsman  
(Tanodbayan)



OFFICE OF THE OMBUDSMAN



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